

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:09CR212
)	
Plaintiff,)	
)	
vs.)	
)	
MARTIN NORIEGA-NAVARRO, a/k/a/ Tio,)	PRELIMINARY ORDER
SERGIO FRANCO DOMINGUEZ,)	OF FORFEITURE
)	
Defendant.)	

This matter is before the Court on the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 66). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant, Martin Noriega-Navarro, has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts I, II, VIII, X and XIII of said Second Superseding Indictment.

The Defendant, Sergio Dominguez Franco, a/k/a Sergio Franco Dominquez, has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts XI and XII of said Second Superseding Indictment. Count I charges the Defendant, Martin Noriega-Navarro, with one count of conspiracy to distribute and possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846. Count II charges the Defendant, Martin Noriega-Navarro, with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). Count VIII charges the Defendant, Martin Noriega-Navarro, with selling firearms to a felon, in violation of 18 U.S.C. §§ 922(d) and 924(a)(2) and 2. Count XI charges the Defendant, Sergio Dominguez Franco, a/k/a Sergio

Franco Dominquez, with one count of being an illegal alien in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2).

2. By virtue of said pleas of guilty, the Defendants forfeits their interests in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and 21 U.S.C. § 853.

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 66) is hereby sustained.

B. Based upon Count X of said Second Superseding Indictment and the Defendant, Martin Noriega-Navarro's, plea of guilty, the United States is hereby authorized to seize the SKS assault rifle, serial# V694809; an SKS assault rifle, serial #J73338; a Mossberg 12 gauge shotgun, serial# R826532; a Remington Model 1100 .12 gauge semi-automatic shotgun, serial# M922295V; a Hi-Standard Sport King, Model 103, .22 caliber pistol, serial# 2065665; a Colt .45 caliber revolver; a Universal M1 .30 caliber carbine rifle; an Intratec DC9 9mm pistol, serial# D067762; a Russian Makarov 9mm pistol, serial# J040682; a Romarm SA Cugir, Model WASR-2, 5.45x39mm Romanian made firearm, serial# 2-18469-06; a Colt MK4 Model 80 .380 caliber handgun, serial# MS01269; a Steyr .40 caliber handgun, serial# 004963; a Winchester Model 12, 12 gauge shotgun, serial# 1817690F; a Ted Williams Model 100, 30/30 rifle, serial# V71841; a Stevens Model 311, 20 gauge shotgun, serial# D038701; a Winchester Model 370, 20 gauge shotgun, serial# C322925; a Winchester Model 94AE 30/30 rifle, serial# WFT1281; a Savage Model 10CL 7mm rifle, serial# C114847; a Winchester Model 94, 30/30 rifle, serial# 4517934; a High Standard 12 gauge shotgun, serial# 3165849; a Glenfield Model 60, .22 caliber rifle, serial# 71508069;

a Ted Williams Model 200, 12 gauge shotgun, serial# 86378; a Colt AR-15, Model SP1, serial# SP100597; an Ithaca 12 gauge shotgun; The Continental 12 gauge shotgun; a Stevens Model 87E, .22 caliber rifle; a Ted Williams Model 34, .22 caliber rifle; a Remington 12 gauge shotgun; a Lefever 12 gauge shotgun; a Stevens Model 87A, .22 caliber rifle; a Winchester Model 41-P, .22 caliber rifle; a British Enfield, 303 caliber rifle; a Winchester Model 370, .20 shotgun; a Remington 870 Magnum .12 gauge shotgun, serial# B251600M; a Cobra Model C22M Derringer, .22 caliber, serial# 026985; and a Ruger Model 89DC, 9mm pistol, serial# 314-06249.

C. Based upon Count XII of said Second Superseding Indictment and the Defendant, Sergio Franco Dominquez's, plea of guilty, the United States is hereby authorized to seize the SKS assault rifle, serial# V694809.

D. Based upon Count XIII of said Second Superseding Indictment and the Defendant, Martin Noriega-Navarro's, plea of guilty, the United States is hereby authorized to seize the \$28,430.00 in United States currency seized from the residence of 3609 1/2 R Street, on June 2, 2009.

E. The Defendants' interests in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

F. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.

G. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United States' intent to dispose

of the property in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited property must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

H. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

I. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

J. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 16th day of November, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge